

REMARKS

The present amendment is respectfully submitted in response to the Office Action of February 24, 2003 on the above-identified application. Entry of the amendment is respectfully requested, as is a reconsideration of the claims as amended.

Referring to the Office Action Summary (Form PTO-326), claims 1 through 19 are pending in the application. In the action, all nineteen claims were rejected on the basis of the prior art.

Turning to page 2 of the action, claims 1 through 8 and 10 and 11 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 4,935,345 to Guilbeau et al. The Guilbeau reference shows a biochemical sensor of the prior art, and is discussed in the present application in the paragraph which begins on page 4 at line 27 and continues to page 5, line 8 of the specification. It does not show or suggest continuously conveying a reagent fluid in a micro-flow reservoir system to a sensor system in a conduit, or detecting the occurrence of a reaction between the reagent fluid and the target chemical within a conduit. Nor does it show or suggest removing the reagent fluid to a waste reservoir downstream from the sensor system. Claim 1 has been amended above to more particularly claim the present method. Support for the amendment may be found in the specification in the passage running from page 15, line 21 to page 16, line 4 of the specification. Entry of the amendment is respectfully requested. It is respectfully submitted that, as amended, claim 1 is patentable over the teachings of the Guilbeau reference, which shows a sensor system in which reagent is immobilized in the sensor. Claims 2 through 8 and 10 and 11, which all ultimately depend from claim 1, are submitted to be patentable as further limiting the subject matter claimed in allowable claim 1.

Departing for the moment from the order in which rejections were made in the action, claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable for obviousness over the Guilbeau reference alone or in view of the teachings of U.S. Patent No. 4,685,463 to Williams. The Williams reference shows a device for continuous *in vivo* measurement of blood glucose concentrations in arterial blood. The device includes a semi-permeable membrane tubule permeable to permit diffusion of glucose from blood passing through an inner lumen of the tube into an outer lumen in which an enzyme for detecting glucose is confined.

While claim 9 of the present application is directed toward materials from which a semi-permeable dialysis membrane may be fashioned, the Williams reference does not provide what is lacking of the Guilbeau reference, as discussed above. For this reason, claim 9 is respectfully submitted to be patentable over the Guilbeau reference with or without the Williams reference.

Claims 12 through 16 and 18 and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,434,084 to Burgess, Jr. The Burgess reference shows a device capable of continuously measuring the presence and concentration of an analyte or analytes and a method for using the device in a liquid and/or a gas-phase reaction volume. The Burgess reference shows a sensor probe that can be immersed in a test fluid. Claim 12 has been amended above to more particularly point out the method claimed therein and to distinguish it from the teachings of the Burgess reference. Support for the amendments to claim 12 may be found in the specification in the passage running from page 18, line 7 to page 20, line 6. Claim 12, as amended, is respectfully submitted to be patentable over the teachings of the Burgess reference. Likewise, claims 13 through 16 and 18 and 19, all of which ultimately depend from

claim 12, are respectfully submitted to be patentable over the Burgess reference as further limiting the subject matter claimed in claim 12.

Finally, claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over the same Burgess reference, the Examiner taking the position that it would have been obvious to one of ordinary skill in the art to use water or saline as a sweep fluid. Be that as it may, claim 17 is respectfully submitted to be patentable as further limiting the invention claimed in allowable claim 16.

In view of the preceding discussion, a reconsideration of claims 1 through 19 is respectfully requested, and their allowance is earnestly sought.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John F. Gulbin".

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